

*Docket No.: 1791.007***REMARKS**

Without acquiescing to the propriety of the rejections in the Office Action dated September 29, 2004, claims 1-3 have been amended. Entry of these amendments, reconsideration of the application, and allowance of all claims pending herein is respectfully requested in view of the remarks below. Claims 1-33 are now pending.

Initially, applicant gratefully acknowledges the allowance of claims 11-33 and the conditional allowance of claim 10 upon it being rewritten in independent form to include all limitations of the base claim and any intervening claims. Applicant respectfully defers rewriting claim 10 in view of the remarks below.

Claim Rejections Under 35 U.S.C. § 112:

Claim 2-8 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the applicant regards as his invention. In particular, the Office Action objects to the lack of proper antecedent basis for "said escape tower". Claim 2 has been amended to remove "escape tower" thereby overcoming this rejection.

Claim Rejections Under 35 U.S.C. §§ 102:

Claims 1 and 9 stand rejected under 35 U.S.C. 102(b) as being anticipated by Hellman (U.S. Patent No.: 2,077,477).

Amended claim 1 recites a system for allowing underwater escape from a submarine which includes a plurality of walls forming an escape tower having an interior configured to receive at least one person. The plurality of walls is configured to resist collapse due to a force of external water. A lower escape tower connector is connected to a bottom end of the plurality of walls and is configured to sealingly attach to a hatch connector of a submerged submarine. A lower hatch is located at the bottom end of the plurality of walls and allows a person to pass therethrough. Also included are means for providing air to the interior and means for selectively maintaining the interior substantially free of the water. An upper hatch is formed in the plurality of walls and is selectively openable to allow the person to pass between the interior and an exterior of the plurality of walls through the upper hatch. An upper escape tower connector is located on said plurality of walls and is configured to sealingly connect to a lower escape tunnel connector of an escape tunnel to allow the person to pass from the interior to a tunnel interior of the escape tunnel.

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Hellman discloses a submersible rescue apparatus which is connectable to a submarine as depicted in FIG. 1. Hellman discloses an interior having a plurality of compartments and one door providing communication between the interior of the Hellman device and an interior of a submarine attached thereto. However, Hellman does not disclose an upper escape tower connector located on a plurality of walls forming an interior, nor the upper escape tower connector being configured to sealingly connect to a lower escape tunnel connector of an escape tunnel to allow a person to pass between the interior of the plurality of walls and a tunnel interior of the escape tunnel. Instead, Hellman discloses a device having an interior which includes a plurality of compartments and a plurality of hatches between such compartments along with a hatch located at a bottom of the device to allow a person to pass from a submarine into the interior of the Hellman device. However, there is no disclosure of a device which has a connector on a plurality of walls to allow an escape tunnel to be connected thereto such that a person may pass between an interior of the tunnel and an interior of the device. More specifically, the Hellman device lacks a connector allowing the Hellman device to connect to an escape tunnel such that a person may pass from the Hellman device into such an escape tunnel.

Thus, because the features (e.g., an upper escape tower connector located on a plurality of walls which is configured to sealingly connect to a lower escape tunnel connector of an escape tunnel to allow a person to pass between the interior and a tunnel interior of the escape tunnel) of claim 1 of the present application are not identically disclosed by Hellman, this claim cannot be anticipated thereby. Accordingly, claim 1 is believed to be allowable along with the dependent claims, which are believed to be allowable for the same reasons and for their own additional features.

Claim 34 has been added which recites, *inter alia*, means for providing air to an interior of a plurality of walls separating the interior from an exterior of a system and means for substituting water for the air in the interior when the system is submerged underwater and a lower escape tower connector located at a bottom end of the plurality of walls is attached to a hatch connector of a submerged submarine.

Hellman does not disclose means for selectively substituting water for air in an interior thereof when the Hellman device is submerged and a connector thereof is attached to a hatch connector of the submerged submarine. Instead, the purpose of Hellman is to maintain water on an exterior side thereof such that personnel may pass from a submerged submarine into the interior of the Hellman device and the device may carry them to the surface with the interior thereof continuously containing air. In contrast, claim 34 recites, *inter alia*, means for selectively substituting water for air in an interior of a plurality of walls when the system is submerged underwater and a lower escape tower connector located on a bottom end of the plurality of walls is connected to a hatch connector of the submerged submarine. As described

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on pages 7 and 8 of the present application, a user of the system for allowing underwater escape from a submarine may enter an interior thereof, don an escape hood, flood the interior with sea water, open an outer hatch, and ascend to the water surface. However, there would be no reason to flood the interior of the Hellman device and therefore there would be no reason for a means for substituting water for air in an interior thereof when the device is connected to a submerged submarine, since the Hellman device is designed to continuously contain air such that it may carry personnel from a submerged location to the surface.

Thus, because the features (e.g., means for selectively substituting water for air in an interior formed by a plurality of walls configured to receive at least one person when the system is submerged underwater and a lower escape tower connector located on the bottom end of the plurality of walls is connected to a hatch connector of a submerged submarine) of the present application are not identically disclosed by Hellman, this claim cannot be anticipated thereby. Accordingly, claim 34 is believed to be allowable.

CONCLUSION

It is believed that the application is in condition for allowance, and such action is respectfully requested. If a telephone conference would be of assistance in advancing prosecution of the subject application, the Examiner is invited to telephone the undersigned attorney at the telephone number provided.

Respectfully submitted,



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